

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Budach Implement, Inc.,
a Minnesota corporation,

Civil No. 05-2202 (DWF/SRN)

Plaintiff,

v.

ORDER

CNH America LLC, a Delaware
corporation f/k/a Case Corporation,

Defendant.

Ronald K. Gardner, Jr., Esq., Dady & Garner, P.A., counsel for Plaintiff.

Patrick D. Robben, Esq., Raphael T. Wallander, Esq., and Amy M. Moore, Esq., Rider Bennett
LLP, counsel for Defendant.

Pursuant to a Stipulation of the parties (Doc. No. 16), the Court Orders as follows:

1. Plaintiff's Motion for a Temporary Restraining Order Pending a Preliminary
Injunction is hereby deemed **WITHDRAWN**.

2. So long as Defendant CNH America LLC does not attempt to unilaterally
terminate the Agricultural Equipment Sales and Service Agreement entered into by Plaintiff and
Defendant CNH America LLC on February 16, 1993, (the "Agreement") effective on or before
November 29, 2005, Plaintiff shall not be entitled to seek any further injunctive relief to prevent
termination of the Agreement.

3. The parties' Stipulation and this Order shall not be deemed to prejudice any rights
of Plaintiff to asserts claims for damages as articulated in its Verified Complaint or Defendant's

rights, remedies, claims, and defenses that it may have against Plaintiff and Plaintiff's alleged actions.

IT IS SO ORDERED.

Dated: October 27, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court